

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DENNIS BALL-BEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18-CV-1364-SPM
)	
KYLE CHANDLER,)	
)	
Defendant.)	

ORDER

This matter is before the Court on Plaintiff's Motion to Compel and Motion for Sanctions (Doc. 363). The Court held a hearing on the motion on January 10, 2024. For the reasons stated on the record at the hearing,

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel and Motion for Sanctions (Doc. 363) is **GRANTED IN PART and DENIED IN PART**, as set forth below:

1. Plaintiff's request that Defendant scan all of the FIU Paper Files and produce them to Plaintiff in PDF form is denied.
2. Plaintiff's alternative request that Defendant make all of the FIU Paper Files available for Plaintiff's counsel's review is granted. Defendant shall make all eleven boxes containing the FIU Paper Files¹ available to Plaintiff's counsel for review no later than **Friday, January 12, 2024, at 12:00 p.m. (noon)**. Plaintiff's counsel shall be permitted to review the documents in these boxes and flag for scanning or copying only those

¹ As discussed on the record, these eleven boxes represent the six boxes of FIU Paper Files that are maintained by Lieutenant Colonel Michael Sack and the five boxes of FIU Paper Files that were delivered to the City Counselor's Office. These two sets of boxes should be segregated from one another when they are made available to Plaintiff's counsel for review.

documents whose production was required by the Court's October 12 Order. Plaintiff's counsel must complete the review of these documents by **Wednesday, January 17, 2024, at 5:00 p.m.**

3. Plaintiff's request to compel production, in their native format, of responsive emails in the FIU Audit Computer Records is granted. Defendant shall produce responsive emails in their native format no later than **Wednesday, January 17, 2024**. To the extent that Plaintiff's motion seeks production of any other FIU Audit Computer Records, the request is denied as moot in light of Plaintiff's counsel's representation at the hearing that the emails are the only remaining FIU Audit Computer Records that have not yet been produced.
4. Plaintiff's Motion for Sanctions pursuant to Fed. R. Civ. P. 37(b)(2) is **GRANTED**. Defendant's attorneys of record are ordered to pay Plaintiff's reasonable attorney's fees and costs associated with attempting to obtain the documents covered by the Court's October 12, 2023 order, beginning on November 10, 2023, and ending with Plaintiff's counsel's completion of the review of the eleven boxes of paper files. Plaintiff's counsel shall file its request for attorney's fees and costs no later than **Friday, January 26, 2024**. Defendant shall file a response no later than **Friday, February 2, 2024**. If Defendant's attorneys want the sanctions to be apportioned among the attorneys of record, they must make that request in their response and must include authority in support of that request in their response.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 11th day of January, 2024.